

MAY. 30. 2003 1:32PM

WALL MARJAMA BILINSK

NO. 1190 P. 5  
chay enter 5/31/03  
Atty. Docket No. 281-329.02

PTO FAX NO.: 703-746-8501

ATTENTION: Examiner John Sanders

Group Art Unit: 3737

## OFFICIAL COMMUNICATION

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of Ervin Goldfain, et al., Application No. 09/862,636, filed May 22, 2001 for Eye Viewing Device Comprising Eyepiece and Video Capture Optics is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

#### Document(s) Attached

1. Form PTO/SB/17 Fee Transmittal for FY 2003 with authorization to charge Deposit Account No. 50-0289 for Statutory Disclaimer Fee Under 37 CFR § 1.20(d) (1 page);
2. Executed Form PTO/SB/26 Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (1 page); and
3. Summary of Interview (1 page).

**FAXED COPY RECEIVED**

**MAY 30 2003**

**TECHNOLOGY CENTER 3700**

06/05/2003 RJOHNSD2 00000003 500289 09862636  
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Dated: May 30, 2003

  
Jill R. Clarke

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**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 110**Complete if Known**

Application Number	09/862,636
Filing Date	May 22, 2001
First Named Inventor	Ervin Goldfain
Examiner Name	John R. Sanders, Jr.
Group Art Unit	3737
Attorney Docket No.	281-329.02

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None  
☒ Deposit Account:
Deposit  
Account  
Number

50-0289

Deposit  
Account  
Name

Wall Marjama &amp; Bilinski, LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$ )

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fees from below	Fee Paid
-20** =			
Independent Claims -3* =			
Multiple Dependent	X		

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$ )

\*\*or number previously paid. If greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	65	Non-English specification	
1812	2,520	2812	1,260	For filing a request for reexamination	
1804	920*	2804	460*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	920*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,870	2255	935	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	2451	755	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	830	2503	415	Plant issue fee	
1480	130	2480	65	Petitions to the Commissioner	
1807	50	2807	25	Petitions related to provisional applications	
1808	180	2808	90	Submission of Information Disclosure Sheet	
6021	40	26021	20	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	2802	450	Request for expedited examination of a design application	

Other fee (specify) Claim Fees Statutory Disclaimer fee under 37 CFR 1.29(d)

\$110

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$110)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	George S. Blasiek	Registration No. (Attorney/Agent)	37,283	Telephone	(315) 425-9000
Signature	<i>George S. Blasiek</i>	Date	May 30, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence is being facsimile transmitted to Examiner John Sanders at Fax number 703-746-8501 at the United States Patent and Trademark Office on May 30, 2003.

WALL MARJAMA &amp; BILINSKI LLP

By: Jul R. Clarke  
Jul R. Clarke

Attorney Docket No. 281-329.02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Ervin Goldfain, *et al.*

Application No.: 09/862,636

Filed: May 22, 2001

For: Eye Viewing Device Comprising  
Eyepiece and Video Capture Optics

Examiner: John Sanders

Art Unit: 3737

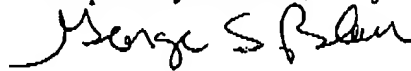
SUMMARY OF INTERVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a telephone interview today, May 30, 2003, between Examiner Sanders and Applicants' representative George Blasiak, Examiner Sanders stated that a prospective obvious-type double patenting rejection would be mooted if the Applicants were to file a terminal disclaimer in the present application disclaiming the term of the present application beyond the term of Application No. 09/441,161, filed November 22, 1999, entitled Eye Viewing Device for Retinal Viewing through Undilated Pupil, now U.S. Patent No. 6,409,341. Application No. 09/441,161 is a parent application of the present application. A terminal disclaimer disclaiming the term of the patent beyond the term of Application No. 09/441,161 is attached.

Respectfully submitted,



George S. Blasiak  
Reg. No. 37,283

WALL MARJAMA &amp; BILINSKI LLP

Customer No.: \*20874\*

20874

PATENT TRADEMARK OFFICE

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Date: May 30, 2003